

Message

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**From:** Joseph A. Gregg [jagregg@eastmansmith.com]  
**Sent:** 3/3/2022 2:56:44 PM  
**To:** Ludmer, Margo [ludmer.margo@epa.gov]; Frank C. Pavia [fpavia@HarrisBeach.com]; Kevin Murphy [KMurphy@wladislawfirm.com]  
**CC:** Doyle, James [Doyle.James@epa.gov]  
**Subject:** RE: Lower Ley Creek Subsite, County on Onondaga, Local Disposal Assessment [ES-LEGAL.FID1587432]

Margo: Thank you. We can work with this and, as Kevin said, will keep you in the loop on the progress of the local disposal discussions with DEC.

Another thing we discussed in our call was the request for EPA to issue General Notice Letters to other PRPs who should be involved in remediation of Lower Ley Creek. I believe we have previously sent the agency nexus packages and other information that would support those efforts, but we would be happy to resend any such information or have further discussions that might assist you. Let us know if we can help in any way. Joe

Joseph A. Gregg  
EASTMAN & SMITH LTD.  
419.247.1657 / Mobile 419.356.4901  
jagregg@eastmansmith.com

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-----Original Message-----

From: Ludmer, Margo <ludmer.margo@epa.gov>  
Sent: Wednesday, March 2, 2022 2:13 PM  
To: Frank C. Pavia <fpavia@HarrisBeach.com>; Joseph A. Gregg <jagregg@eastmansmith.com>; Kevin Murphy <KMurphy@wladislawfirm.com>  
Cc: Doyle, James <Doyle.James@epa.gov>  
Subject: RE: Lower Ley Creek Subsite, County on Onondaga, Local Disposal Assessment

Frank, Kevin, and Joe,

Thank you again for coordinating a call to discuss the Lower Ley Creek OU and local disposal of excavated material that is not TSCA-regulated and not a characteristic hazardous waste. During the call, you asked that EPA reconsider the deadline for submission of a Local Disposal Agreement given the need for the PRPs to further confer with DEC regarding the local disposal alternatives and to submit a revised Local Disposal Assessment to EPA for approval. We understand that the PRPs will need more time than was initially contemplated to perform this work. Further, practically speaking, we recognize that the anticipated schedule for the upstream Ley Creek Deferred Media remediation affords some flexibility with respect to the Lower Ley Creek RD timetable.

Pursuant to the Lower Ley Creek RD AOC SOW, the Intermediate (60%) RD is due to EPA 60 days after EPA provides comments to the PRPs on the Preliminary (30%) RD. EPA is currently experiencing delays in obtaining an RD oversight contractor, and we expect that it will be a matter of a couple months or more before EPA is able to provide comments on the Preliminary (30%) RD, triggering the Intermediate (60%) RD submission deadline. At that point, once the due date for the Intermediate (60%) RD is known, if the PRPs believe that more time is needed to enter into a Local Disposal Agreement or otherwise determine that local disposal is non-viable, EPA will be willing to provide a reasonable extension for the submission of the Intermediate (60%) RD. We do believe that it is necessary to resolve the matter of local disposal in advance of the 60% RD submission given how critical it is to the design of the remedy.

We appreciate the PRPs' cooperation and timeliness thus far with respect to the RD and look forward to continued progress on this disposal matter.

Thank you,  
Margo

Margo Ludmer (she/her)  
Assistant Regional Counsel  
New York/Caribbean Superfund Branch  
Office of Regional Counsel  
US EPA Region 2  
Phone: 212-637-3187

-----Original Message-----

From: Frank C. Pavia <fpavia@HarrisBeach.com>  
Sent: Friday, February 11, 2022 10:14 AM  
To: Ludmer, Margo <ludmer.margo@epa.gov>; Joseph A. Gregg <jagregg@eastmansmith.com>  
Cc: Doyle, James <Doyle.James@epa.gov>; Kevin Murphy <KMurphy@wladislawfirm.com>  
Subject: RE: Lower Ley Creek Subsite, County on Onondaga, Local Disposal Assessment

Thank you. Have a great weekend.

Frank C. Pavia  
Partner

HARRIS BEACH PLLC  
ATTORNEYS AT LAW  
99 Garnsey Road  
Pittsford, NY 14534  
585.419.8709 Direct  
585.419.8801 Fax  
585.419.8800 Main  
fpavia@HarrisBeach.com

practice GREEN  
Save a tree. Read, don't print, emails.

-----Original Message-----

From: Ludmer, Margo <ludmer.margo@epa.gov>  
Sent: Friday, February 11, 2022 10:13 AM  
To: Frank C. Pavia <fpavia@HarrisBeach.com>; Joseph A. Gregg <jagregg@eastmansmith.com>  
Cc: Doyle, James <Doyle.James@epa.gov>; Kevin Murphy <KMurphy@wladislawfirm.com>  
Subject: RE: Lower Ley Creek Subsite, County on Onondaga, Local Disposal Assessment

Thursday at 10:00am works well. Thank you, Frank.

-----Original Message-----

From: Frank C. Pavia <fpavia@HarrisBeach.com>  
Sent: Friday, February 11, 2022 10:08 AM  
To: Ludmer, Margo <ludmer.margo@epa.gov>; Joseph A. Gregg <jagregg@eastmansmith.com>  
Cc: Doyle, James <Doyle.James@epa.gov>; Kevin Murphy <KMurphy@wladislawfirm.com>  
Subject: RE: Lower Ley Creek Subsite, County on Onondaga, Local Disposal Assessment

Margo,

We can do 10:00 am next Thursday. If that works for you and James, I will circulate a Webex invite.  
Thank you.

Frank

Frank C. Pavia  
Partner

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fpavia@HarrisBeach.com

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-----Original Message-----

From: Ludmer, Margo <ludmer.margo@epa.gov>

Sent: Friday, February 11, 2022 9:19 AM  
To: Joseph A. Gregg <jagregg@eastmansmith.com>; Frank C. Pavia <fpavia@HarrisBeach.com>  
Cc: Doyle, James <Doyle.James@epa.gov>; Kevin Murphy <KMurphy@wladislawfirm.com>  
Subject: RE: Lower Ley Creek Subsite, County on Onondaga, Local Disposal Assessment

Unfortunately, we have a conflict at 2pm on Tuesday. Would a time on Thursday work?

-----Original Message-----

From: Joseph A. Gregg <jagregg@eastmansmith.com>  
Sent: Thursday, February 10, 2022 7:17 PM  
To: Frank C. Pavia <fpavia@harrisbeach.com>  
Cc: Ludmer, Margo <ludmer.margo@epa.gov>; Doyle, James <Doyle.James@epa.gov>; Kevin Murphy <KMurphy@wladislawfirm.com>  
Subject: Re: Lower Ley Creek Subsite, County on Onondaga, Local Disposal Assessment

Good for me.

Sent from my iPhone

> On Feb 10, 2022, at 6:22 PM, Frank C. Pavia <fpavia@harrisbeach.com> wrote:

>

> Margo,

>

> Is there anyway we could do Tuesday at 2:00 pm?

>

> Frank

>

>> On Feb 10, 2022, at 4:43 PM, Ludmer, Margo <ludmer.margo@epa.gov> wrote:

>>

>> Understood, Frank. Jim and I are generally available tomorrow and Monday, Tuesday between 11am and 2pm, and Wednesday after 11am. Please let us know what works best for you, Kevin, and Joe.

>>

>> Best,

>> Margo

>>

>> -----Original Message-----

>> From: Frank C. Pavia <fpavia@HarrisBeach.com>

>> Sent: Thursday, February 10, 2022 4:37 PM

>> To: Ludmer, Margo <ludmer.margo@epa.gov>

>> Cc: Doyle, James <Doyle.James@epa.gov>; Kevin Murphy

>> <KMurphy@WladisLawFirm.Com>; Joseph A. Gregg

>> <jagregg@eastmansmith.com>

>> Subject: RE: Lower Ley Creek Subsite, County on Onondaga, Local

>> Disposal Assessment

>>

>> Margo,

>>

>> I apologize for the delay in getting back to you. We would like the first call to be only between you, James, and counsel for the Town, the County and Carrier to bring you up to speed on the current issues. During the call, we can discuss scheduling a broader call with all of the PRP representatives and the consultants.

>>

>> Can you please send your and James' available dates and times over the next week? Thank you.

>>

>> Frank

>>

>>

>>

>>

>> Frank C. Pavia

>> Partner

>>

>> HARRIS BEACH PLLC

>> ATTORNEYS AT LAW

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>> Pittsford, NY 14534

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>> fpavia@HarrisBeach.com

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>> -----Original Message-----

>> From: Ludmer, Margo <ludmer.margo@epa.gov>

>> Sent: Thursday, February 10, 2022 11:30 AM

>> To: Frank C. Pavia <fpavia@HarrisBeach.com>  
>> Cc: Nick Paro <nparo@salina.ny.us>; Doug Wickman  
>> <dwickman@salina.ny.us>; Doyle, James <Doyle.James@epa.gov>  
>> Subject: RE: Lower Ley Creek Subsite, County on Onondaga, Local  
>> Disposal Assessment  
>>  
>> Frank,  
>>  
>> We would be happy to set up a time to speak about this matter. I will touch base with Jim Doyle and  
circle back with our availability. Will your consultants be participating in the proposed meeting?  
>>  
>> Thank you,  
>>  
>> Margo  
>>  
>> Margo Ludmer (she/her)  
>> Assistant Regional Counsel  
>> New York/Caribbean Superfund Branch  
>> Office of Regional Counsel  
>> U.S. Environmental Protection Agency, Region 2  
>> 212.637.3187  
>>  
>> -----Original Message-----  
>> From: Frank C. Pavia <fpavia@HarrisBeach.com>  
>> Sent: Thursday, February 10, 2022 9:13 AM  
>> To: Ludmer, Margo <ludmer.margo@epa.gov>  
>> Cc: Nick Paro <nparo@salina.ny.us>; Doug Wickman  
>> <dwickman@salina.ny.us>; Doyle, James <Doyle.James@epa.gov>  
>> Subject: Lower Ley Creek Subsite, County on Onondaga, Local Disposal  
>> Assessment  
>>  
>> Margo,  
>>  
>> I left a voice mail message with you several days ago about DEC's most recent position regarding the  
Town's local disposal proposal for the Lower Ley Creek Subsite. The PRP group's consultant, Arcadis,  
informed us yesterday that Ms. Sacks has communicated that DEC's requirements are now part of the local  
disposal criteria. This decision was made without input from the PRP group, the Town of Salina's  
technical consultants, or Arcadis. Attached is a copy of Ms. Sacks' email which we received last night.  
>>  
>> We believe that DEC's position is unwarranted from both technical and legal standpoints. It is also  
inconsistent with DEC's historical discussions concerning the use of the former landfill site and, more  
importantly, now puts the site as the chosen local disposal option in jeopardy.  
>>  
>> We would like the opportunity to discuss this recent development with you and Jim Doyle at your  
earliest convenience. Representatives of the other PRP members would also like to participate in the  
discussion. If you and Jim could send me your available dates and times over the next week or so, I  
will coordinate with my client and the other members of the PRP group, and set up a Webex or Zoom call.  
>>  
>> Thank you.  
>>  
>> Frank  
>>  
>>  
>> Frank C. Pavia  
>> Partner  
>>  
>> HARRIS BEACH PLLC  
>> ATTORNEYS AT LAW  
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intended recipient of this e-mail, please delete it from your system and advise the sender.  
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>> -----Original Message-----  
>> From: Ludmer, Margo <ludmer.margo@epa.gov>  
>> Sent: Tuesday, June 8, 2021 5:22 PM  
>> To: Nancy O'Neil <NONeil@salina.ny.us>  
>> Cc: V. James Magnarelli (Councilor) <vmjags@gmail.com>; Nick Paro  
>> <Nick.Paro1stward@gmail.com>; Daniel Ciciarelli  
>> <ciciarelli3rdward@gmail.com>; David Carnie  
>> <councilorcarnie@gmail.com>; Doug Wickman <dwickman@salina.ny.us>;  
>> Frank C. Pavia <fpavia@HarrisBeach.com>; Colleen Gunnip  
>> <cgunnip@salina.ny.us>  
>> Subject: RE: Response to EPA General Notice Letter  
>>  
>> Ms. O'Neil,  
>>  
>> EPA acknowledges receipt of the Town's response.  
>>  
>> Thank you,  
>>  
>> Margo  
>>  
>> Margo Ludmer  
>> Assistant Regional Counsel  
>> New York/Caribbean Superfund Branch  
>> Office of Regional Counsel  
>> U.S. Environmental Protection Agency, Region 2  
>> 212.637.3187  
>>  
>> -----Original Message-----  
>> From: Nancy O'Neil <NONeil@salina.ny.us>  
>> Sent: Monday, June 7, 2021 4:45 PM  
>> To: Ludmer, Margo <ludmer.margo@epa.gov>  
>> Cc: V. James Magnarelli (Councilor) <vmjags@gmail.com>; Nick Paro  
>> <Nick.Paro1stward@gmail.com>; Daniel Ciciarelli  
>> <ciciarelli3rdward@gmail.com>; David Carnie  
>> <councilorcarnie@gmail.com>; Doug Wickman <dwickman@salina.ny.us>;  
>> fpavia@HarrisBeach.com; Colleen Gunnip <cgunnip@salina.ny.us>  
>> Subject: Response to EPA General Notice Letter  
>>  
>> Dear Ms. Ludmer:  
>>  
>> Please find the attached general notice response letter.  
>>  
>> If you have any questions, please don't hesitate to reach out to us.  
>>  
>> Kindly,  
>>  
>>  
>> Nancy O'Neil  
>> Executive Assistant to the Supervisor Town of Salina  
>> 201 School Road  
>> Liverpool, New York 13088  
>> Phone: (315) 457-6661  
>> Fax: (315) 457-4476  
>> noneil@salina.ny.us  
>> Website  
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>> FaceBook  
>> Twitter  
>>